

# **Uniformed and Overseas Citizens**

## **Introduction**

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986 [42 U.S.C. 1973ff-1], as modified by the National Defense Authorization Act of 2005, ensures the rights of absent Uniformed Services voters and overseas voters to register to vote and cast absentee ballots for Federal offices. The Secretary of Defense, as the Presidential designee has primary responsibility for Federal functions under UOCAVA. He is also authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him to any person or persons within the Department of Defense (DoD) [Executive Order 12642]. As such, DoD has assigned to the Federal Voting Assistance Program (FVAP) the responsibility of administering the Federal responsibilities of the Presidential designee (Secretary of Defense) under UOCAVA and the National Voter Registration Act (NVRA) of 1993 [42 U.S.C. 1973gg-7(a)]. FVAP provides services to over 6 million potential voters, including over 3 million overseas civilians; 1.4 million military members; 1.3 million military family members; and 100,000 federal civilian overseas employees.

The Help America Vote Act of 2002 (HAVA) amended the UOCAVA by prohibiting states from refusing to process registration and/or absentee ballot requests from these voters because the form was received too early during the election year. UOCAVA, as amended, also allows these voters to use one application to request ballots for two subsequent general elections.

In addition, UOCAVA Section 102(c), as amended by the Help America Vote Act (HAVA) of 2002, requires each State and unit of local government which administered the election to, no later than 90 days after the date of each regularly scheduled general election for Federal office, submit a report to the EAC on the combined number of absentee ballots transmitted to absent Uniformed Services voters and overseas voters for the election and the combined number of such ballots that were returned by such voters and cast in the election. They are also required to make this report available to the general public.

## **Definitions and Forms**

**Who is an absent Uniformed Services voter?** An absent Uniformed Services voter is:

- A member of the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration who, by reason of active duty, is absent from the place of residence where the member is otherwise qualified to vote.
- A member of the Merchant Marine who, by reason of service in the Merchant Marine, is absent from the place of residence where the member is otherwise qualified to vote.
- A member of any state National Guard or a Reserve member deployed or on assignment away from his/her residence while in Federal service.

- A spouse or dependent of a uniformed services member who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

**What is the legal state of residence for a Uniformed Services member?** The state where the Uniformed Services member has, or has had, physical presence at the location and where there is the intent to remain or return.

**Who is an overseas citizen?** An overseas citizen is a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States or a person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before ~~the~~ leaving the United States. Eligibility to vote and residency requirements are determined by each state.

**What is the legal state of residence for an overseas citizen?** The state or territory where the voter last resided immediately prior to departure from the United States, even if many years have elapsed, and the voter maintains no residence in the state or territory, and the voter's intent to return to that state or territory may not be certain. *NOTE: Currently 16 states allow eligible U.S. citizens who have never resided in the United States to register and vote where a U.S citizen parent would be eligible to vote.*

Below are some questions that may be helpful in determining a voter's legal state of residence:

- Where was the voter registered to vote?
- What state issued the voter a driver's license?
- Where is the voter's automobile registered?
- Where does the voter's family live?
- Where does the voter own property?

**What ballots will UOCAVA voters receive?**

UOCAVA requires states and territories to allow the covered groups listed above to register and vote absentee ballots in elections for Federal office. In addition, laws in many states and territories also allow citizens covered by UOCAVA to register and vote absentee ballots in state and local elections.

**The Federal Post Card Application (FPCA) Standard Form 76.** This is a postage-paid postcard for use by UOCAVA voters. The form is designed as a single postcard to serve the states both as an absentee voter registration application and an absentee ballot request.

An online version of this form is available at [www.fvap.gov](http://www.fvap.gov). Voters using the online FPCA must print the completed form, place it in an envelope and affix postage to the mailing envelope or use the postage-free envelope that may be printed using the link available at [www.fvap.gov](http://www.fvap.gov). The form can be filled in on-line, printed, signed, dated, and placed in an envelope with the

correct postage and mailed to the appropriate local election official. Other instructions are available on the FVAP's web site. See next page for a sample of the FPCA form.

(After completion, fold to inside and seal before mailing.)  
**WARNING:** Knowingly presenting false information in this application could result in criminal sanctions. Standard Form 76A (Rev. 10-2005)

REGISTRATION AND ABSENTEE BALLOT REQUEST - FEDERAL POST CARD APPLICATION (FPCA)				
1. I REQUEST ABSENTEE BALLOTS FOR ALL ELECTIONS IN WHICH I AM ELIGIBLE TO VOTE AND I AM (Mark only one):				
<input type="checkbox"/> (a) A MEMBER OF THE UNIFORMED SERVICES OR MERCHANT MARINE ON ACTIVE DUTY, OR AN ELIGIBLE SPOUSE OR DEPENDENT <input type="checkbox"/> (b) A U.S. CITIZEN RESIDING OUTSIDE THE U.S. TEMPORARILY <input type="checkbox"/> (c) A U.S. CITIZEN RESIDING OUTSIDE THE U.S. INDEFINITELY				
2. MY INFORMATION (Required)				
a. TYPED OR PRINTED NAME (Last, First, Middle)			SUFFIX (Jr., Sr., III, etc.)	b. PREVIOUS NAME (if applicable)
c. SEX <input type="checkbox"/> M <input type="checkbox"/> F	d. RACE	e. DATE OF BIRTH (MM/DD/YYYY)	f. SOCIAL SECURITY NUMBER	g. STATE DRIVER'S LICENSE OR ID NUMBER
h. TELEPHONE NUMBER (No DSN number; include all international prefixes)			i. FAX NUMBER (No DSN number; include all international prefixes)	
j. EMAIL ADDRESS				
3. MY VOTING RESIDENCE ADDRESS (Required) (Military, use legal residence. Overseas citizens, use last legal residence in U.S.)				
a. NUMBER AND STREET (Cannot be a P.O. Box)				
b. CITY, TOWN OR VILLAGE		c. COUNTY	d. STATE	e. ZIP CODE
4. WHERE TO SEND MY VOTING MATERIALS				
a. MY CURRENT ADDRESS (Where I live now) (Required)			b. MY FORWARDING ADDRESS (NOTE: Complete 4b. only if you do not want your ballot mailed to the address in Block 4a.)	
_____ _____ _____ _____			_____ _____ _____ _____	
c. I PREFER TO RECEIVE MY ABSENTEE BALLOT, AS PERMITTED BY MY STATE, BY: <input type="checkbox"/> MAIL <input type="checkbox"/> FAX <input type="checkbox"/> EMAIL				
5. MY POLITICAL PARTY PREFERENCE (Optional; but may be required by states to register to vote in primary elections):				
6. ADDITIONAL INFORMATION (Designate the period for which you want to receive ballots - see instructions for Block 6, paragraph (3). Consult the Voting Assistance Guide for other specific state instructions.)				
7. AFFIRMATION (Required)				
I swear or affirm, under penalty of perjury, that:				
1. I am a member of the Uniformed Services or merchant marine on active duty or an eligible spouse or dependent of such a member, or a U.S. citizen temporarily residing outside the U.S., or other U.S. citizen residing outside the U.S., and 2. I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and 3. I have not been convicted of a felony or other disqualifying offense or been adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and 4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., and 5. My signature and date below indicate when I completed this document, and 6. The information on this form is true and complete to the best of my knowledge.				
I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.				
Signed: _____		Date: _____	Signed: _____ Date: _____	
		(MM/DD/YYYY)	(Witness/Notary and Address (if required)) (MM/DD/YYYY)	
The information contained here in is for official use only. Any unauthorized release of this information may be punishable by law. Adobe Professional 7.0				
Reset				

**The Federal Write-In Absentee Ballot (FWAB) Standard Form 186.** This is an emergency “back-up” ballot available for citizens covered under the UOCAVA. It is used to vote for Federal offices in general elections or as otherwise permitted by state law. The following criteria must be met:

- The citizen must be a member of the Uniformed Services or Merchant Marines (or eligible family member), or a United States citizen overseas who is absent from his/her place of residence where he or she is otherwise qualified to vote, and
- apply for a regular ballot, using the FPCA, or other form as permitted by the state, early enough so that the local election official receives the request at least 30 days before the election or before the ballot request deadline established by the state, whichever is later, and
- not have received the requested regular absentee ballot from the state.

See next pages for samples from a FWAB form.

WARNING: Knowingly presenting false information in this application could result in criminal sanctions.

Standard Form 186A (Rev. 10-2005)

VOTER'S DECLARATION/AFFIRMATION - FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)				
<b>1.a. I AM (Mark only one):</b> <input type="checkbox"/> A MEMBER OF THE UNIFORMED SERVICES OR MERCHANT MARINE ON ACTIVE DUTY, OR AN ELIGIBLE SPOUSE OR DEPENDENT <input type="checkbox"/> A U.S. CITIZEN RESIDING OUTSIDE THE U.S. TEMPORARILY <input type="checkbox"/> A U.S. CITIZEN RESIDING OUTSIDE THE U.S. INDEFINITELY				
<b>1.b. I ALSO REQUEST VOTER REGISTRATION (where permitted by state law)</b> <input type="checkbox"/>				
<b>2. MY INFORMATION (Required)</b>				
<b>a. TYPED OR PRINTED NAME (Last, First, Middle)</b>			<b>SUFFIX (Jr., Sr., III, etc.)</b>	<b>b. PREVIOUS NAME (if applicable)</b>
<b>c. SEX</b> <input type="checkbox"/> M <input type="checkbox"/> F	<b>d. RACE</b>	<b>e. DATE OF BIRTH (MM/DD/YYYY)</b>	<b>f. SOCIAL SECURITY NUMBER</b> — — — — —	
<b>g. STATE DRIVER'S LICENSE OR I.D. NUMBER</b>				
<b>h. TELEPHONE NUMBER (No DSN number; include all international prefixes)</b>			<b>i. FAX NUMBER (No DSN number; include all international prefixes)</b>	
<b>j. EMAIL ADDRESS</b>				
<b>3. MY VOTING RESIDENCE ADDRESS (Required) (Military, use legal residence. Overseas citizens, use last legal residence in U.S.)</b>				
<b>a. NUMBER AND STREET (CANNOT BE A P.O. BOX)</b>				
<b>b. CITY, TOWN OR VILLAGE</b>		<b>c. COUNTY</b>	<b>d. STATE</b>	<b>e. ZIP CODE</b> — — — — —
<b>4. WHERE TO SEND MY VOTING MATERIALS</b>				
<b>a. MY CURRENT ADDRESS (Where I live now) (Required)</b>			<b>b. MY FORWARDING ADDRESS (NOTE: Complete 4b. only if you do not want your ballot mailed to the address in Block 4a.)</b>	
_____ _____ _____			_____ _____ _____	
<b>5. MY POLITICAL PARTY PREFERENCE (Optional, but may be required by states to register to vote in primary elections):</b>				
<b>6. ADDITIONAL INFORMATION (Designate the period for which you want to receive future ballots. See instructions. Consult your state pages of the Voting Assistance Guide for additional information requested.)</b>				
<b>7. AFFIRMATION: (Required)</b> I swear or affirm, under penalty of perjury, that: 1. I am a member of the Uniformed Services or merchant marine on active duty or an eligible spouse or dependent of such a member, or a U.S. citizen temporarily residing outside the U.S., or other U.S. citizen residing outside the U.S., and 2. I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and 3. I have not been convicted of a felony or other disqualifying offense or been adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and 4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., and 5. My application for a regular absentee ballot was mailed in time to be received by the local election official 30 days prior to this election, or the state deadline, whichever is later, and 6. I have not received the requested ballot, and 7. I understand that if my regular absentee ballot is received by the local election official in time to be counted, that ballot will be counted and this write-in ballot will be voided, and 8. I have voted and sealed this ballot in private and have not allowed any person to observe the marking of this ballot, except for those authorized to assist voters under state or Federal law and I have not been influenced, and 9. I am a Uniformed Services member, or dependent, who is absent from my voting jurisdiction, or I am an overseas citizen and have submitted this ballot from outside the U.S., or my state has made special provisions to allow me to mail this ballot inside the U.S., and 10. My signature and date below indicate when I completed this document, and 11. The information on this form is true and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.				
Signed: _____		Date: _____		Signed: _____
(MM/DD/YYYY)		(MM/DD/YYYY)		(MM/DD/YYYY)
Witness/Notary and Address (if required)				

The information contained herein is for official use only. Any unauthorized release of this information may be punishable by law.

Reset

## OFFICIAL FEDERAL WRITE-IN ABSENTEE BALLOT

**PRESIDENTIAL VICE PRESIDENTIAL**

**U.S. SENATOR**

U.S. REPRESENTATIVE/DELEGATE<sup>23</sup>/RESIDENT COMMISSIONER<sup>24</sup>

\* Legal residents of the District of Columbia may vote only for President/Vice President and Delegate.

\*\* Legal residents of American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands may vote only for Delegate or Resident Commissioner to the Congress.

## ADDENDUM

Some states allow the Federal Write-In Absentee Ballot to be used by military and overseas civilian voters in elections other than general elections or for offices other than Federal offices. Consult your state section in the *Voting Assistance Guide* to determine your state's policy. If you are eligible to use this ballot to vote for offices/candidates other than those listed above, please indicate in the spaces provided below, the office for which you wish to vote (for example: Governor, Attorney General, Mayor, State Senator, etc.), and the name and/or party affiliation of the candidate for whom you wish to vote.

OFFICE

CANDIDATE NAME or PARTY AFFILIATION

This image shows a blank sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible on each side of the central vertical fold. The paper appears to be a standard notebook or composition paper.

## Communication Techniques

Military and overseas voters face unique challenges in registering to vote, requesting and receiving the blank ballot, and returning the voted ballots. Communication is the key ingredient for ensuring that these voters are able to participate in the democratic process.

In 2005, the FPCA and the FWAB forms were updated to include an area for the voter to provide his or her email address. By collecting and storing these email addresses on each voter's record, you can quickly contact the voter to confirm his or her registration status, let the voter know when you are sending out the ballot, email a blank ballot to a voter, and ask the voter to acknowledge receipt of the absentee ballot. By establishing an email connection with your UOCAVA voters, the voter has a staff member and email address to get quick answers to his or her questions. *Tip: Consider sending out periodic news "updates" to all of your UOCAVA voters by using this email connection.*

Election officials can also find a postcard acknowledgment form on the FVAP's website (sample of the front and back of card is provided below). You can use this form to notify the voter that the FPCA has been received and accepted, or that more information is required to process the form.

YOUR FEDERAL POST CARD APPLICATION FOR VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST HAS BEEN RECEIVED AND PROCESSED			YOUR FEDERAL POST CARD APPLICATION FOR VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST HAS BEEN RECEIVED AND PROCESSED		
You will be sent an absentee ballot for Primary • General • Special • Run-off • Other election(s) approximately (date)			You will be sent an absentee ballot for Primary • General • Special • Run-off • Other election(s) approximately (date)		
Your application is incomplete or illegible.			Your application is incomplete or illegible.		
Block(s) is(are) incomplete or illegible.			Block(s) is(are) incomplete or illegible.		
Please provide:			Please provide:		
Please resubmit a completely new application.			Please resubmit a completely new application.		
Comments:			Comments:		
Email information to:			Email information to:		
Fax information to:			Fax information to:		
Mail information to return address on reverse side of this post card.			Mail information to return address on reverse side of this post card.		
Signature	Title/Jurisdiction	Date	Signature	Title/Jurisdiction	Date
Note to election official: This is a return post card for your use. Please mark and fill in applicable items. Write your return address and send to the citizen.			Note to election official: This is a return post card for your use. Please mark and fill in applicable items. Write your return address and send to the citizen.		

YOUR FEDERAL POST CARD APPLICATION FOR VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST HAS BEEN RECEIVED AND PROCESSED			YOUR FEDERAL POST CARD APPLICATION FOR VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST HAS BEEN RECEIVED AND PROCESSED		
You will be sent an absentee ballot for Primary • General • Special • Run-off • Other election(s) approximately (date)			You will be sent an absentee ballot for Primary • General • Special • Run-off • Other election(s) approximately (date)		
Your application is incomplete or illegible.			Your application is incomplete or illegible.		
Block(s) is(are) incomplete or illegible.			Block(s) is(are) incomplete or illegible.		
Please provide:			Please provide:		
Please resubmit a completely new application.			Please resubmit a completely new application.		
Comments:			Comments:		
Email information to:			Email information to:		
Fax information to:			Fax information to:		
Mail information to return address on reverse side of this post card.			Mail information to return address on reverse side of this post card.		
Signature	Title/Jurisdiction	Date	Signature	Title/Jurisdiction	Date
Note to election official: This is a return post card for your use. Please mark and fill in applicable items. Write your return address and send to the citizen.			Note to election official: This is a return post card for your use. Please mark and fill in applicable items. Write your return address and send to the citizen.		

If for some reason your office receives returned undeliverable UOCAVA absentee ballots, it is recommended that you take every step possible to obtain the correct mailing address for the voter.

- Utilize telephone, fax, or email contact information provided on the FPCA. *NOTE: Faxes to voters are toll-free to any location in the world by using the FVAP's Election Transmission Service, 1-800-368-8683.*
- Double check the mailing address on the return envelope and compare it to the address provided by the voter on the absentee ballot request.
- Contact a local family member of the voter.
- Request an updated address through the FVAP's Department of Defense's database, by sending an email to [vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov) with the subject "Address Update" or by faxing to 703-696-1352. Be sure to include the name of the voter, date of birth, and if possible, the full social security number if available. *NOTE: This service is only available for Uniformed Service Member voters.*

For UOCAVA voters, often the Internet is their best source of information. It is available to them 24 hours a day, 7 days a week. If your office maintains a website, it is recommended that you create a special resource area devoted to these voters. Consider including the following types of information on your website:

- Provide a link to the Federal Voting Assistance Program website – [www.fvap.gov](http://www.fvap.gov)
- Display information on state-specific rules and regulations for UOCAVA voters. Be sure to include a link to the FPCA online version – [www.fvap.gov/pubs/onlinefpc.html](http://www.fvap.gov/pubs/onlinefpc.html)
- Post a direct email link and/or toll-free phone number to encourage UOCAVA voters to contact your office with any questions. Be sure that your staff is trained to monitor and respond promptly to any email inquiries. Tip: Consider creating and listing, on your website, a unique email address specific for UOCAVA voters so that emails coming in from these voters can be directed to specific staff trained to respond to UOCAVA voter concerns.
- Provide an online voter status search tool for UOCAVA voters, allowing them to verify their voter registration status. Include a link to the online FPCA form to assist them in registering to vote and requesting their absentee ballot.

*NOTE: The United States Postal Service has introduced a new tag that can be placed on outgoing trays, bundled mail, pallets, etc. to specifically identify and differentiate domestic and overseas absentee ballots from political mailings. Check the USPS web site for details at [www.usps.com/electionmail](http://www.usps.com/electionmail)*

Because transmitting voting material through the mail may delay receipt and return, there are currently three alternative transmission methods allowed by various states:

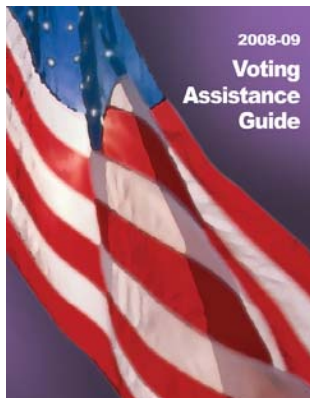


- Send the FPCA for registration and ballot request by fax or email as permitted by the state.
- Receive the blank ballot by fax or email as permitted by the state.
- Return the voted ballot by fax or email as permitted by the state.

*NOTE: Be sure that the voter always mails the original FPCA and voted ballot after faxing or emailing.*

### **Resources for Local Election Officials**

The *Voting Assistance Guide* is the official and primary source of UOCAVA absentee voting information. The *Guide* provides information about FVAP products and services and includes State instructions and guidelines. It is available on line at [www.fvap.gov](http://www.fvap.gov). The *Guide* helps local election officials understand the information provided to military and overseas voters.



The FVAP's ombudsman service is available toll-free at 1-800-438-VOTE (8683), by email at [vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov), or by fax at (703) 696-1352. This service is very useful for locating active duty military voters when the address that you have on file is no longer valid. It is also available to you for ordering additional FPCA forms or to answer basic questions about military and overseas voters.

The *Voting Information News (VIN)* is a monthly newsletter published by FVAP that contains timely information for Voting Assistance Officers. The *Election Official News* is a monthly newsletter published by FVAP that contains information for election officials regarding military and overseas voting. All local and state election officials should subscribe to these newsletters by sending an email to [vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov).

Local election officials should log onto the FVAP's "Resources for Election Officials" at [www.fvap.gov/leo/leo.html](http://www.fvap.gov/leo/leo.html). At this site you will have access to useful information on providing services to UOCAVA voters.

The following is contact information for the Department of Defense's Federal Voting Assistance Program:

Director, Federal Voting Assistance Program (FVAP)  
Office of the Secretary of Defense  
1155 Defense Pentagon  
Washington, DC 20301-1155  
1-800-438-8683 (Toll free)  
703-588-1584  
703-696-1352 (Fax)  
[www.fvap.gov](http://www.fvap.gov)  
[vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov)

The next pages contain the following:

- sample Federal Post Card Application (FPCA)
- sample Federal Write-In Absentee Ballot (FWAB)
- sample ballot transmission envelope
- sample ballot return envelope (back and front)
- sample local election official acknowledgement card
- USPS “Nonprofit Standard Mail & Other Unique Eligibility: Absentee Balloting Materials
- FVAP’s Envelope Design Guidelines

**EAC Resources available at [www.eac.gov](http://www.eac.gov) :**

- EAC’s Best Practices on Military and Overseas Voters (2004)
- 2004 Uniformed and Overseas Citizens Voting Act Survey
- 2006 Uniformed and Overseas Citizens Voting Act Survey
- UOCAVA Voters and the Electronic Transmission of Voting Materials in Four States (2007)
- Voting from Abroad: A Survey of UOCAVA Voters (2007)
- Also visit the EAC’s specific webpage for uniformed and overseas voters at <http://www.eac.gov/voter/overseas-citizens-and-military-voters> for additional organizations and resources that can be of assistance to election officials and voters.